

REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims pending in the application were 1-13, 15-17 and 19-28. By this amendment, claim 26 is cancelled. Accordingly, the claims now in the application are claims 1-13, 15-17, 19-25 and 27-28.

Claims 1-13, 15-17, 19, 21 and 26 have been rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, claim 1 was said to be indefinite as it is asserted that the phrase "two or more films on opposite film sides of said unit" is incomplete and indefinite. Applicant is unsure of what part of this phrase is incomplete and indefinite. The term "film side" is defined in the specification on page 6, lines 6-8. Accordingly, applicant respectfully submitted that the cited phrase in claim 1 is not incomplete and indefinite in view of the specification.

Furthermore, the phrase "said side zipper perforations" in claim 21 is said to lack antecedent basis. It is respectfully submitted that this rejection has been obviated by the above amendment which change the phrase to "said zipper perforations" which has antecedent basis provided in claim 20.

Lastly, claim 26 is said to be a double recitation of claim 21. Applicant has cancelled claim 26.

Therefore, withdrawal of these rejections under 35 USC §112, second paragraph is respectfully requested.

Claims 1-13, 15-17, 19, 22, 25 and 27-29 have been rejected under 35 USC §103(a) as being unpatentable over Limousin (4,586,312) in view of Perdue (3,966,045). It is asserted that Limousin discloses all of the claim limitations with the exception of at least one of the films being opaque and at least one of the films being clear. Perdue is cited as showing a combination of two or more articles juxtaposed to form a unit and the unit is wrapped in two or more films with at least one film being clear and at least one of the films being opaque.

Applicant respectfully traverse this rejection. Perdue does not provide the teaching that is asserted in the office action. Perdue teaches of a covering web (2 and 3) which tightly enclose and envelope the product on each side of the support member 5 (column 4, lines 11-14). The support member 5, which is cited as being the opaque film is a support member and not a packaging film (see column 4, lines 30-43). Accordingly, the support member is merely a piece of material that is packaged with the other articles to provide support. Furthermore, Perdue is not relevant art as Perdue is concerned with primary packaging of articles versus the present invention which is concerned with secondary type packaging. Therefore, withdrawal of this rejection under 35 USC §103(a) is respectfully requested.

Claims 20, 21, 24 and 25 have been rejected under 35 USC §103(a) as being unpatentable over Limousin (4,586,312). It is asserted that Limousin discloses a combination of two or more packages juxtaposed to form a unit and the unit is shrink wrapped in two or more films on film side with the film sides on opposite sides of the unit. Limousin is further cited as disclosing one of the films having a line of perforations and gripping apertures. It is asserted in the office action that to the extent Limousin fails to disclose the gripping apertures being on opposite sides of the line of perforations in the film side, it would have been obvious to one of ordinary skill in the art to modify the gripping apertures of Limousin so the gripping apertures are disposed on opposite sides of the line of perforations in the film side because the selection of the

specific locations for the gripping apertures would have been an obvious matter of design choice inasmuch as the result structures will work equally well.

Applicant respectfully traverse this rejection. Limousin not only does not teach the placement of perforations and apertures as claimed in the present invention, but actually teaches away from the present invention as claimed. Limousin teaches the specific relative location of the perforation and apertures as having a specific purpose, namely subjecting the perforations to less heat than the apertures during fabrication. Accordingly, not only is the presently claimed invention not disclosed in Limousin, but it is actually taught away from. Therefore, withdrawal of this rejection under 35 USC §103(a) is respectfully requested.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made".

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 21 has been amended as follows:

21. (Amended) The combination of claim 20 wherein said ~~side~~ zipper perforations are in a film which is clear to a UPC bar code reader.

Claim 26 has been cancelled.